

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 758 of 1993

For Approval and Signature:

Hon'ble MR.JUSTICE S.K.KESHOTE

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1. Whether Reporters of Local Papers may be allowed to see the judgements?
2. To be referred to the Reporter or not?
3. Whether Their Lordships wish to see the fair copy of the judgement?
4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder?
5. Whether it is to be circulated to the Civil Judge?

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SHUBHLAXMI MILLS

Versus

REGIONAL PROVIDENT FUND COMMISSIONER

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Appearance:

None present for Petitioner

None present for Respondent

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CORAM : MR.JUSTICE S.K.KESHOTE

Date of decision: 09/10/97

ORAL JUDGEMENT

The order impugned in this case in annexure 'E' dated 20th January, 1993 passed under section 7-A of the Employees' Provident Funds and Miscellaneous Provisions Act, 1952.

For the reasons and ground as given out by this Court in the judgment as delivered in special civil application No.2454/89, this special civil application

does not survive and it is dismissed only on the ground of availability of alternate remedy against the impugned order. However, in case the petitioner prefers an appeal against the impugned order before the Tribunal within one month from today then the same may not be dismissed only on the ground of limitation and it should be decided only on merits. In this case, interim relief has been granted and the operation of the impugned order has been stayed by this Court. This stay is operating for all these years, and as such, the interim relief granted by this Court is extended for six weeks and it is made clear that the Tribunal shall thereafter consider the matter for extension of the interim relief in accordance with law and it shall not be influenced with the fact that this Court has protected the petitioners by grant of interim relief. Rule is discharged subject to aforesaid directions.

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